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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,571	09/01/2000	Christopher Morgan Rowden	ELAND.0001	6908

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EXAMINER

VO, CLIFF N

ART UNIT PAPER NUMBER

2676

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This Office action is in response to the Amendment filed July 11, 2005 which has been entered into the record of file.

Claim Rejections - 35 USC § 101

2. Claims 1-16 and 18-20 are rejected under 35 U.S.C. 101 because they simply recite a process for producing a landscape plan for a property which comprises steps which are not executed by a computer system. Accordingly, the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-11 and 15-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Doerr (U.S. Patent No. 5,575,107).

As per independent claim 9, Doerr teaches a method for planning a landscape utilizing color coded, i.e., symbol, for a plurality of plants to be located in the landscape (col.1, lines 8-17) comprising a step of defining a set of generic plant categories according to at least one of the following plant characteristics: plant height, plant diameter, leaf texture and whether a plant is deciduous or evergreen (col.2, lines 58-67; col.3, lines 53-59, i.e., the height potential corresponds to the plant height), a step of assigning a symbol to each generic plant category (Fig.4D, col.3, lines 53-59, i.e., "color

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coded”) and a step of producing the landscape plan, by indicating via the symbols, locations for plants on the property (col.3, line 66 through col.4, line 5, i.e., identify the appropriate locations for each plant correspond to the landscape).

As per dependent claim 10, Doerr further teaches wherein the generic plant categories are defined according to at least one of a plant height and a plant width (col.2, lines 58-67 and col.3, line 53-59).

As per dependent claim 11, Doerr further teaches wherein the generic plant categories are defined according to a leaf texture (col.4, lines 2-5).

As per dependent claim 15, Doerr further teaches wherein the landscape plan includes a legend identifying each symbol (col.3, lines 62-65).

As per dependent claim 16, Doerr further teaches a step of providing a list of specific plants belonging to each generic plant category (col.2, lines 51-57).

Response to Arguments

5. Applicant's arguments with respect to claims 1-16 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLIFF N. VO whose telephone number is 571-272-7651. The examiner can normally be reached on 2nd Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLIFF N VO
Examiner
Art Unit 2676



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